

IN RE: PETITION FOR RESIDENTIAL ZONING VARIANCE
 SM/S Brenbrook Road, 200 ft. (+/-) NW of c/l Springdell Ave
 3653 Brenbrook Road
 2nd Election District
 1st Councilmanic District
 Terry Henderson, et ux
 Petitioners

BEFORE THE
 ZONING COMMISSIONER
 OF BALTIMORE COUNTY
 Case No. 93-458-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by Terry and Vernell Henderson for that property known as 3653 Brenbrook Road in the Randallstown section of Baltimore County. The Petitioners herein seek a variance from Section 427.A & B. of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a fence with a height of 6 ft., in lieu of the required 3.5 ft., as more particularly described on Petitioner's Exhibit No. 1, the plat to accompany the Petition.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the

ORDER RECEIVED FOR FILING
 Date 7/19/93
 By [Signature]

B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 20th day of July, 1993 that the Petition for a Zoning Variance from Section 427.A & B. of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a fence with a height of 6 ft., in lieu of the required 3.5 ft., be and is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

- The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

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 Date 7/19/93
 By [Signature]

LES:mmm

[Signature]
 LAWRENCE E. SCHMIDT
 ZONING COMMISSIONER
 FOR BALTIMORE COUNTY

Baltimore County Government
 Zoning Commissioner
 Office of Planning and Zoning

Suite 113 Courthouse
 400 Washington Avenue
 Towson, MD 21204

(410) 887-4386

July 20, 1993

Mr. and Mrs. Terry Henderson
 3653 Brenbrook Drive
 Randallstown, Maryland 21133

RE: Petition for Administrative Zoning Variance
 Case No. 93-458-A
 Property: 3653 Brenbrook Drive

Dear Mr. Henderson:

Enclosed please find the decision rendered in the above captioned case. The Petition for an Administrative Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

[Signature]
 Lawrence E. Schmidt
 Zoning Commissioner

LES:mmm
 encl.

ORDER RECEIVED FOR FILING
 Date 7/20/93
 By [Signature]



Petition for Administrative Variance
 93-458-A
 to the Zoning Commissioner of Baltimore County

for the property located at 3653 Brenbrook Dr
 which is presently zoned DR 51S

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) Sec. 427.165. To permit a fence with a height of 6' in lieu of the required 3.5'.

- of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)
- THE ORIENTATION OF THE EXISTING HOUSE ADJACENT TO MY ADJACENT, FACES THE SIDE & REAR
 - WE WOULD LIKE PRIVACY
 - STORM DRAIN LOCATED IN FRONT YARD

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc. upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Legal Owner(s)
 Terry Henderson
 Vernell Henderson
 3653 Brenbrook Dr
 Randallstown, MD 21133

Legal Owner(s)
 Terry Henderson
 Vernell Henderson
 3653 Brenbrook Dr
 Randallstown, MD 21133

A Public Hearing having been requested and/or held as required, it is ordered by the Zoning Commissioner of Baltimore County, this 20th day of July, 1993, that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be posted.

RECEIVED BY: RT DATE: 6-28-93
 FORWARD POSTING DATE: 7-11-93
 ITEM #: 468

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) were competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) do(es) presently reside at 3653 Brenbrook Dr, Randallstown MD 21133

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)

- THE ORIENTATION OF THE EXISTING HOUSE ADJACENT TO MY ADJACENT, FACES THE SIDE & REAR
- WE WOULD LIKE PRIVACY
- STORM DRAIN LOCATED IN FRONT YARD

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

[Signatures of Terry Henderson and Vernell Henderson]

I HEREBY CERTIFY, this 22 day of June, 1993, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared Terry & Vernell Henderson

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in the form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.
 [Signature]
 My Commission Expires: 7/1/93

EXAMPLE 3 - Zoning Description - 3 copies
 93-458-A

Three copies are required. Copies of deeds cannot be used in place of this description. Use this fill-in format provided whenever possible; otherwise, type or print on 8-1/2" x 11" sheet.

ZONING DESCRIPTION FOR 3653 Brenbrook Dr.
 Election District 2ND Councilmanic District 1

Beginning at a point on the SW 1/4 SIDE side of (north, south, east or west) Brenbrook Dr. which is 50' (number of feet of right-of-way width)

wide at a distance of 200' NORTH WESTE the (number of feet) (north, south, east or west)

centerline of the nearest improved intersecting street SPENGOALE - AVE (name of street)

which is 50' wide. *Being Lot # 6 (number of feet of right-of-way width)

Block [Blank] Section # [Blank] in the subdivision of [Blank] as recorded in Baltimore County Plat

Book # [Blank] Folio # [Blank], containing

2371 AC. ITEM # 468 (square feet and acres)

*If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the Lot, Block and Subdivision Description as shown. Instead state: "As recorded in Deed Liber [Blank] Folio [Blank]" and include the measurements and directions (metes and bounds only) here and on the plat in the correct location.

Example of metes and bounds: N. 87 12' 13" E. 321.1 ft., S. 18 27' 03" E. 87.2 ft., S. 62 19' 00" W. 318 ft., and N. 08 15' 22" W. 80 ft. to the place of beginning.

CERTIFICATE OF POSTING
 ZONING DEPARTMENT OF BALTIMORE COUNTY
 Towson, Maryland

District: 2nd Date of Posting: 7/19/93

Posted for: Variance

Petitioner: Terry & Vernell Henderson

Location of property: 3653 Brenbrook Dr. (SW) 200' NW Springdell Ave

Location of Sign: Facing Spengoale Ave property of R. Henderson

Remarks: [Blank]

Posted by: [Signature] Date of return: 7/19/93

Number of Signs: 7

receipt

Baltimore County
 Zoning Administration &
 Development Management
 111 West Chesapeake Avenue
 Towson, Maryland 21204

Account: R-001-8190
 ITEM Number 468
 RT

Date 6-28-93

10 - VARIANCE - \$ 50.00
 80 - 1 SIGN - \$ 35.00
 TOTAL - \$ 85.00

02A02W0254M1C8C
 86 C0121357M06-23-93

93-458-A

Baltimore County Government
 Office of Zoning Administration
 and Development Management

111 West Chesapeake Avenue
 Towson, MD 21204

(410) 887-3353

July 12, 1993

Mr. and Mrs. Terry Henderson
 3653 Brenbrook Drive
 Randallstown, MD 21133

RE: Case No. 93-458-A, Item No. 468
 Petitioner: Terry Henderson, et ux
 Petition for Administrative Variance

Dear Mr. and Mrs. Henderson:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on June 23, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.

Ms. Helene Kehring
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

7-7-93
Re: BA 70.00
Item No: *468 (RT)

Dear Ms. Kehring:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

John Contestabile, Chief
Engineering Access Permits
Division

RS/

My telephone number is _____

Typewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 585-0451 D.C. Metro - 1-800-492-5082 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

DATE: July 8, 1993

SUBJECT: 3653 Brenbrook Drive

INFORMATION:

Item Number: 468

Petitioner: Henderson Property

Property Size: _____

Zoning: D.R. 5.5

Requested Action: _____

Hearing Date: _____

SUMMARY OF RECOMMENDATIONS:

The subject home is located on a panhandle in a unique situation which does not afford any privacy to the petitioner.

This office supports the installation of a six foot high board-on-board privacy fence.

Prepared by: *Jeffrey Long*
Division Chief: *Cary L. Kern*
PK/JL:lw

TO: Zoning Advisory Committee Date: July 7, 1993

FROM: Jerry L. Pfeifer, Captain
Fire Department

SUBJECT: July 12, 1993 - Meeting

- #402 - Space shall comply with the 1991 Life Safety Code.
- #456 - No comments
- #462 - No comments
- #463 - Site shall not interfere with Baltimore County's 800 Megahertz Radio Capability.
- #464 - No comments
- #465 - No comments
- #466 - No comments
- #467 - No comments
- #468 - No comments
- #469 - No comments
- #470 - Building shall comply with the 1991 Life Safety Code.
- #471 - Did not receive plan.
- #472 - No comments.

RECEIVED
JUL 8 1993

ZADM

JLP/dal
cc: File

COPY

(410) 887-3353

111 West Chesapeake Avenue
Towson, MD 21204

JULY 1, 1993

OFFICE OF CASE NUMBER ASSIGNMENT

TO: TERRY AND VERNELL HENDERSON
3653 BRENBROOK DRIVE
RANDALLSTOWN MD 21133

Re: CASE NUMBER: 93-458-A (Item 468)
3653 Brenbrook Road,
300' +/- NW of c/o Springhill Avenue
2nd Election District - 1st Councilmanic

Please be advised that your petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case, should reference the case number and be directed to 887-3301. This notice also serves as a reminder regarding the administrative process.

1) Your property will be posted on or before July 4, 1993. The closing date (July 19, 1993) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by order of the Commissioner), the property will be reported and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reporting and newspaper advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

Arnold Jablon
Director

Plat to accompany Petition for Zoning Variance Special Hearing

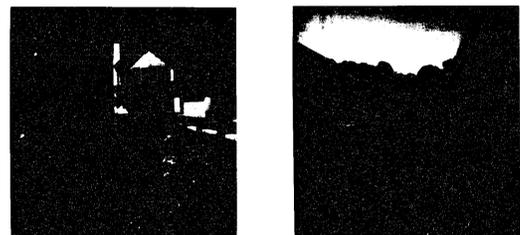
PROPERTY ADDRESS: 3653 Brenbrook Dr
Subdivision name: PAMS VILAGE
plat books: _____ date: _____ lot: 6 section: EX HOUSE
OWNER: 8742 # HOUSE
EX HOUSE # 8742 LOT 18

OWNER: 8742 # HOUSE
EX HOUSE # 3655 LOT 5

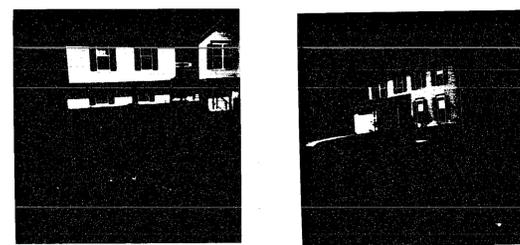
93-458-A

North
date: 6-23-93
prepared by: TERRY H. H. Scale of Drawing: 1" = 30'

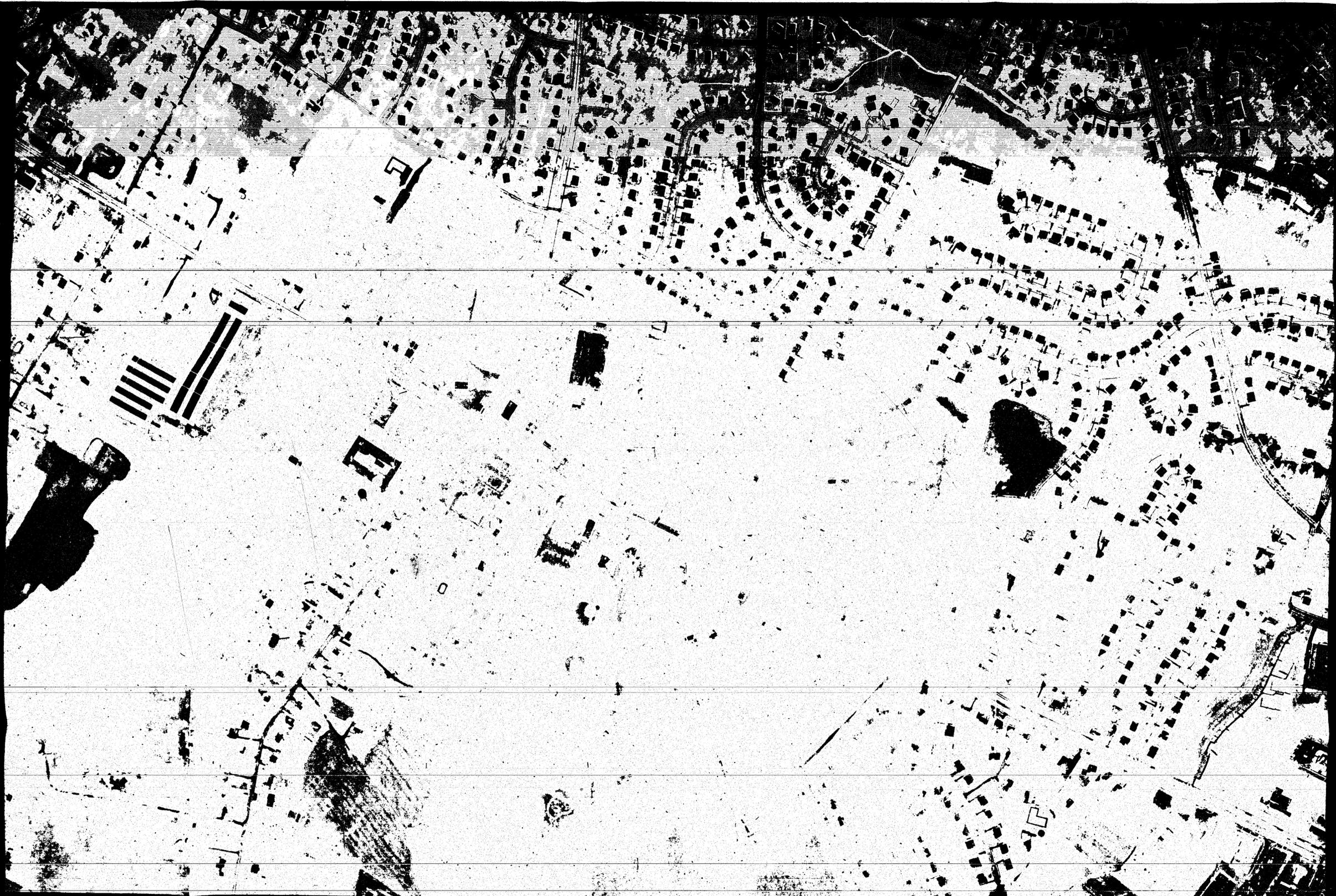
Zoning Office USE ONLY!
reviewed by: ITEM #: CASE#:
R.T. 468



93-458-A



LOOKING OUT TO THE RIGHT
LOOKING OUT TO THE LEFT
ITEM #468



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 25401

SCALE
1" = 200' ±

LOCATION

SHEET

DATE
OF
PHOTOGRAPHY
JANUARY
1986

RANDALLSTOWN

93-458 A

N.W.
7-1

ITEM # 468